

New Assessment Option for Students with Disabilities under No Child Left Behind

On April 7, 2005, the U.S. Department of Education (ED) announced a new policy for the assessment of students with disabilities under No Child Left Behind (NCLB). The policy will be released in a notice of proposed rulemaking (NPRM) in Spring 2005, at which time public comments will be solicited. While details of the new policy have yet to be released, the National Center for Learning Disabilities has prepared this brief overview of several key issues related to the new policy. Updates and additional information will be available at www.LDadvocate.org.

Q: Must all students with disabilities take the assessments required under No Child Left Behind?

A: Yes. The new policy announced by ED does not exempt ANY students from the assessments required under NCLB, including those with disabilities. NCLB requires annual testing of all students in grades 3 through 8. In addition, high school students must be assessed once during grades 10-12. Students must be tested in reading/language arts and math. These tests must be in place by the 2005-2006 school year. For the current school year (2004-2005), students must be tested once in grades 3-5, once in grades 6-9 and once in grades 10-12 in both reading/language arts and math.

Q: What does the new policy on assessment provide?

A: The April 7, 2005 policy announcement provides states with the **option** to develop new alternate assessments based on modified achievement standards for students with “**persistent academic disabilities**” who are served under the Individuals with Disabilities Education Act (IDEA). In other words, the students who may be assessed using this new assessment option must already be students receiving special education services outlined in an Individualized Education Program (IEP).

According to ED, this new assessment option is for “those students who are not likely to reach grade-level achievement because of their disability in the same timeframe as all other students, but who can make significant progress.”

While the new policy does not limit the number of IDEA students who can take alternate assessments based on modified achievement standards, it does cap the number of proficient and advanced scores from such assessments at 2 percent of the total tested population that can be counted for purposes of showing adequate yearly progress determinations at the district and state level.

According to ED, 2 percent of the tested population translates to roughly 18 percent of IDEA students nationally, although there is great variability among the states.

Q: Does the term “persistent academic disabilities” create a new disability category within the IDEA?

A: The term “persistent academic disabilities” is being used to describe certain characteristics of those IDEA-eligible students for whom an alternate assessment may be necessary. However, it is neither a new disability category nor a permanent distinction for a student.

Q: How is the decision made regarding which assessment option will be used to assess students with disabilities under No Child Left Behind?

A: The student's Individualized Education Program (IEP) team will make the decision about which type of assessment the student should take, as well as decisions about the need for any appropriate accommodations. Decisions about how a student will participate in the state's accountability system are made on a student-by-student, assessment-by-assessment, year-by-year basis. For example, a student may need an alternate assessment based on modified achievement standards in the area of reading but be able to participate in the general assessment in the area of math, or need to take an alternate assessment based on modified achievement standards in grade 3 and the general assessment in grade 4.

According to ED, such decisions must be based on the abilities of the individual student and must **not** be made on the basis of the student's disability category or educational placement. Assessment option decisions should be reviewed annually, as should accommodation decisions.

In the case of a student who takes an alternate assessment, the student's IEP must include a statement of why the student cannot participate in the regular assessment (with appropriate accommodations, as necessary) and the particular alternate assessment that has been selected.

Q: Will this assessment option be available in all states?

A: The new assessment option is available to states, but states are not required to offer it. States that choose to utilize the alternate assessment based on modified achievement standards option will be required to provide the U.S. Department of Education with evidence that they are meeting several specific conditions and agree to engage in activities related to assessment, accountability, professional development and training for IEP team members and teachers.

Q: When does the new assessment option go into effect?

A: The availability of the new assessment option will vary by state. Some states have already developed assessments that satisfy many of the requirements of this new option, while others have not begun to develop such assessments. According to ED, most states should be able to develop these assessments by the 2005-2006 school year or (at the latest) by 2006-2007, if they chose to offer such assessments.

Q: Is the previously issued regulation regarding alternate assessments based on alternate achievement standards for students with significant cognitive disabilities still in effect?

A: This new assessment option has no impact on the alternate assessment option for students with the most significant cognitive disabilities announced in December of 2003, frequently referred to as the 1 percent cap. That alternate assessment, based on alternate academic achievement standards, is designed for students whose cognitive impairments may prevent them from attaining grade-level achievement standards even with the very best instruction. As such, these students are most likely not on track to receive a regular high school diploma. States and districts are limited to counting no more than 1% of student scores on such assessments as proficient in AYP determinations.

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